

AMENDED IN SENATE JUNE 29, 2011

AMENDED IN ASSEMBLY MAY 31, 2011

AMENDED IN ASSEMBLY APRIL 25, 2011

AMENDED IN ASSEMBLY APRIL 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 710

Introduced by Assembly Member Skinner

February 17, 2011

An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, ~~and to amend Section 75125 of the Public Resources Code~~, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 710, as amended, Skinner. Local planning: infill and transit-oriented development.

~~(1) The~~

The Planning and Zoning Law requires specified regional transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, and requires the regional transportation plan to include, among other things, a sustainable communities strategy, for the purpose of using local planning to reduce greenhouse gas emissions.

This bill would state the findings and declarations of the Legislature with respect to parking requirements and infill and transit-oriented development, and would state the intent of the Legislature to reduce unnecessary government regulation and to reduce the cost of

development by eliminating excessive minimum parking requirements for infill and transit-oriented development. *This bill would also express a legislative finding and declaration that its provisions shall apply to all cities, including charter cities.*

This bill would also prohibit a city or county from requiring a minimum parking standard greater than one parking space per 1,000 square feet of nonresidential improvements and one parking space per unit of residential improvements for any new development project in transit intensive areas, as defined. This bill would provide that its provisions would not apply if certain requirements are met.

~~(2) Existing law sets forth the duties of the Strategic Growth Council, including the duty to recommend policies and investment strategies and priorities to the Governor, the Legislature, and to appropriate agencies to encourage the development of sustainable communities, as described.~~

~~This bill would modify the description of sustainable communities to additionally include communities that incentivize infill development.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This ~~article~~ *act* shall be known and may be cited
- 2 as the Infill Development and Sustainable Community Act of 2011.
- 3 SEC. 2. (a) The Legislature finds and declares all of the
- 4 following:
- 5 (1) Existing parking requirements are based on low density and
- 6 single land uses.
- 7 (2) Parking is costly to build and maintain and can increase the
- 8 cost of infill projects by 10 to 20 percent. The high cost of land,
- 9 construction, and maintenance to provide parking adds significantly
- 10 to the cost of transit-oriented development, making sites financially
- 11 infeasible and hindering economic development strategies.
- 12 (3) Increases in public transportation options and the
- 13 development of more walkable and bikeable neighborhoods reduce
- 14 the demand for parking.
- 15 (4) Excessive governmental parking requirements for infill and
- 16 transit-oriented development reduce the viability of transit by
- 17 limiting the number of households or workers near transit,
- 18 increasing walking distances, and degrading the pedestrian
- 19 environment.

1 (5) Reducing excessive minimum parking requirements for infill
2 and transit-oriented development and allowing builders and the
3 market to decide how much parking is needed can do all of the
4 following:

5 (A) Ensure sufficient amounts of parking at almost all times.

6 (B) Significantly reduce the cost of development and increase
7 housing affordability.

8 (C) Increase density in areas with the most housing demand,
9 and facilitate compact development and the attainment of
10 environmental goals.

11 (b) It is the intent of the Legislature to reduce unnecessary
12 government regulation and to reduce the cost of development by
13 eliminating excessive minimum parking requirements for infill
14 and transit-oriented development.

15 (c) *The Legislature further declares that the need to address*
16 *infill development and excessive parking requirements is a matter*
17 *of statewide concern and is not a municipal affair as that term is*
18 *used in Section 5 of Article XI of the California Constitution.*
19 *Therefore, this act shall apply to all cities, including charter cities.*

20 SEC. 3. Article 2 (commencing with Section 65200) is added
21 to Chapter 3 of Division 1 of Title 7 of the Government Code, to
22 read:

23
24 Article 2. Infill Development and Sustainable Community Act
25 of 2011
26

27 65200. (a) ~~*In transit intensive areas, a city, county, or city*~~
28 ~~*and county, including a charter city, shall not require a minimum*~~
29 ~~*parking standard greater than one parking space per thousand*~~
30 ~~*square feet of nonresidential improvements and one parking space*~~
31 ~~*per unit of residential improvements for any new development*~~
32 ~~*project, including changes of use that incorporate existing building*~~
33 ~~*improvements in transit intensive areas.*~~

34 (b) This section shall not apply if any of the following are met:

35 (1) The proposed project and immediately adjoining properties
36 are restricted to development or redevelopment at a floor area ratio
37 of below 0.75.

38 (2) The proposed project is located on a parcel or parcels on
39 which dwelling units whose rents are restricted by recorded
40 covenant or ordinance to levels affordable to persons and families

1 of low or moderate income will be destroyed or removed, unless
 2 within the proposed project an equal number of units are to be
 3 made available at affordable housing costs to, and occupied by,
 4 persons and families in the same or lower income category
 5 (extremely low, very low, or low) in the same proportion as the
 6 units occupied or last occupied by extremely low, very low, or
 7 low-income households in the property. Rental replacement units
 8 shall be made available at affordable housing costs for at least 55
 9 years, *or at the remaining term of the existing recorded covenants*
 10 *or deed restrictions that require maintenance of affordable housing*
 11 *costs, that are consistent with the parties meeting their contractual*
 12 *obligations. Ownership replacement units shall be subject to an*
 13 *equity sharing agreement consistent with paragraph (2) of*
 14 *subdivision (c) of Section 65915.*

15 (3) The proposed project ~~would be~~ *is* located in whole or in part
 16 on a parcel where the owner withdrew residential rental units, ~~of~~
 17 ~~the type described in~~ *pursuant to* Chapter 12.75 (commencing with
 18 Section 7060) of Division 7 of Title 1, from rental or lease, or
 19 offering for rental or lease ~~within 5 years of application for~~
 20 ~~development of the project.~~ *rental or lease pursuant to paragraph*
 21 *(2) of subdivision (a) of Section 7060.2.*

22 (c) For purposes of this section, “transit intensive area” means
 23 an area that is within one-half mile of a major transit stop or
 24 high-quality transit corridor included in a regional transportation
 25 plan. A major transit stop is as defined in Section 21064.3 of the
 26 Public Resources Code, except that, for purposes of this section,
 27 it also includes major transit stops that are included in the
 28 applicable regional transportation plan. For purposes of this section,
 29 a high-quality transit corridor means a corridor with fixed route
 30 bus service with service intervals no longer than 15 minutes during
 31 peak commute hours. A project shall be considered to be within
 32 one-half mile of a major transit stop or high-quality transit corridor
 33 if all parcels within the project have no more than 25 percent of
 34 their area farther than one-half mile from the stop or corridor and
 35 if not more than 10 percent of the residential units or 100 units,
 36 whichever is less, in the project are farther than one-half mile from
 37 the stop or corridor.

38 (d) A city, county, or city and county, including a charter city,
 39 may require higher minimum parking standards for new
 40 development other than those established pursuant to subdivision

1 (a) if it makes written findings based upon substantial evidence in
2 the record, including a parking utilization study completed within
3 the last 24 months, that shows existing publicly available parking
4 that includes all publicly owned on-street and off-street spaces and
5 privately owned off-street spaces accessible to the general public,
6 within one-quarter of a mile of the project site, but excluding any
7 spaces on exclusively residential streets, have a peak occupancy
8 that exceeds 85 percent at any point during the study period.

9 ~~SEC. 4. Section 75125 of the Public Resources Code is~~
10 ~~amended to read:~~

11 ~~75125. The council shall do all of the following:~~

12 ~~(a) Identify and review activities and funding programs of~~
13 ~~member state agencies that may be coordinated to improve air and~~
14 ~~water quality, improve natural resource protection, increase the~~
15 ~~availability of affordable housing, improve transportation, meet~~
16 ~~the goals of the California Global Warming Solutions Act of 2006~~
17 ~~(Division 25.5 (commencing with Section 38500) of the Health~~
18 ~~and Safety Code), encourage sustainable land use planning, and~~
19 ~~revitalize urban and community centers in a sustainable manner.~~
20 ~~At a minimum, the council shall review and comment on the~~
21 ~~five-year infrastructure plan developed pursuant to Article 2~~
22 ~~(commencing with Section 13100) of Chapter 2 of Part 3 of~~
23 ~~Division 3 of the Government Code and the State Environmental~~
24 ~~Goals and Policy Report developed pursuant to Section 65041 of~~
25 ~~the Government Code.~~

26 ~~(b) Recommend policies and investment strategies and priorities~~
27 ~~to the Governor, the Legislature, and to appropriate state agencies~~
28 ~~to encourage the development of sustainable communities, such~~
29 ~~as those communities that promote equity, strengthen the economy,~~
30 ~~protect the environment, incentivize infill development, and~~
31 ~~promote public health and safety, consistent with subdivisions (a)~~
32 ~~and (c) of Section 75065.~~

33 ~~(c) Provide, fund, and distribute data and information to local~~
34 ~~governments and regional agencies that will assist in developing~~
35 ~~and planning sustainable communities.~~

36 ~~(d) Manage and award grants and loans to support the planning~~
37 ~~and development of sustainable communities, pursuant to Sections~~
38 ~~75127, 75128, and 75129. To implement this subdivision, the~~
39 ~~council may do all of the following:~~

- 1 ~~(1) Develop guidelines for awarding financial assistance,~~
2 ~~including criteria for eligibility and additional consideration.~~
- 3 ~~(2) Develop criteria for determining the amount of financial~~
4 ~~assistance to be awarded. The council shall award a revolving loan~~
5 ~~to an applicant for a planning project, unless the council determines~~
6 ~~that the applicant lacks the fiscal capacity to carry out the project~~
7 ~~without a grant. The council may establish criteria that would allow~~
8 ~~the applicant to illustrate an ongoing commitment of financial~~
9 ~~resources to ensure the completion of the proposed plan or project.~~
- 10 ~~(3) Provide for payments of interest on loans made pursuant to~~
11 ~~this article. The rate of interest shall not exceed the rate earned by~~
12 ~~the Pooled Money Investment Board.~~
- 13 ~~(4) Provide for the time period for repaying a loan made~~
14 ~~pursuant to this article.~~
- 15 ~~(5) Provide for the recovery of funds from an applicant that fails~~
16 ~~to complete the project for which financial assistance was awarded.~~
17 ~~The council shall direct the Controller to recover funds by any~~
18 ~~available means.~~
- 19 ~~(6) Provide technical assistance for application preparation.~~
- 20 ~~(7) Designate a state agency or department to administer~~
21 ~~technical and financial assistance programs for the disbursing of~~
22 ~~grants and loans to support the planning and development of~~
23 ~~sustainable communities, pursuant to Sections 75127, 75128, and~~
24 ~~75129.~~
- 25 ~~(e) No later than July 1, 2010, and every year thereafter, provide~~
26 ~~a report to the Legislature that shall include, but is not limited to,~~
27 ~~all of the following:~~
 - 28 ~~(1) A list of applicants for financial assistance.~~
 - 29 ~~(2) Identification of which applications were approved.~~
 - 30 ~~(3) The amounts awarded for each approved application.~~
 - 31 ~~(4) The remaining balance of available funds.~~
 - 32 ~~(5) A report on the proposed or ongoing management of each~~
33 ~~funded project.~~
 - 34 ~~(6) Any additional minimum requirements and priorities for a~~
35 ~~project or plan proposed in a grant or loan application developed~~
36 ~~and adopted by the council pursuant to subdivision (e) of Section~~
37 ~~75126.~~